

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES DEVON GARRETT,

Petitioner,

v.

SEAN MOORE,

Respondent.

Case No. 1:22-cv-00899-JLT-HBK (HC)

ORDER GRANTING PETITIONER'S
MOTION TO PROCEED IN FORMA
PAUPERIS ON APPEAL

(Doc. No. 71)

Pending before the Court is Petitioner's motion to proceed *in forma pauperis* on appeal. (Doc. No. 71). Petitioner is a state prisoner proceeding with an appeal to the Ninth Circuit Court of Appeals of the denial by the United States District Court of his third amended petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 42, "Petition"). Petitioner paid the \$5.00 filing fee for this action. (Doc. No. 7, Receipt No. CAS139258).

On December 20, 2023, the Court denied the Petition and denied Petitioner a certificate of appealability. (Doc. No. 65). On January 17, 2024 Petitioner filed a notice of appeal to the Ninth Circuit Court of Appeals. (Doc. No. 67). On January 23, 2024, the District Court sent Petitioner an amended bill for the \$605.00 appeal filing fee. (Doc. No. 69). On January 29, 2024, Petitioner filed an application to proceed *in forma pauperis* on appeal. Examination of the documents reveals that Petitioner is unable to afford the costs of the appeal. *See* Rule 24(a)(1), Federal Rules

1 of Appellate Procedure, and 28 U.S.C. § 1915.

2 Accordingly, it is **ORDERED**:

3 Petitioner's motion for leave to proceed *in forma pauperis* on appeal (Doc. No. 71) is
4 GRANTED.

5
6 Dated: February 8, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE